

A meeting of the Jasper County Board of Zoning Appeals was held Monday, March 20, 2017 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Kent Korniak, Scott Walstra and Lance Strange. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Jim Martin and Mark Jordan.

Meeting was called to order by Attorney Todd Sammons. The Pledge of Allegiance was recited. The first order of business was the call for approval of the September 2016 minutes.

Scott Walstra made the motion to approve the September 2016 minutes. Motion was seconded by Lance Strange and carried unanimously.

Election of Officers for 2017

Motion was made by Scott Walstra and seconded by Lance Strange to elect Jim Martin as President. Motion carried unanimously.

Motion was made by Lance Strange and seconded by Kent Korniak to elect Scott Walstra as Vice President. Motion carried unanimously.

Officers for 2017 are as follows:

Chairman ----- Jim Martin
Vice Chairman ----- Scott Walstra

Variance

Cause#BZA-1-17

Applicant: Joshua & Jessica Thomas
Location: Sec.20-31-5 – Walker Twp. – 200E. N. of 700N. W-side
Use: 30 foot frontage variance

Public hearing held pursuant to notice published March 7, 2017 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Joshua Thomas was present and stated that a few years ago they purchased this property that was advertised as a buildable lot. They bought the property and wanted to get started on the process of building their home and were told by the Planning and Development office that it was not a buildable lot since they do not own access to a county/highway road. They came before the board in September 2015 and they were told then they needed to own some property then they could apply for a variance. They have a purchase agreement drawn up, but they wanted to see if they would get a variance approval before they purchase the property.

Scott Walstra asked if the purchase agreement is for 30 feet?

Joshua Thomas replied that the dimensions of the property are located in the purchase agreement.

Mary Scheurich stated that according to the purchase agreement the narrowest width of the property will be 52.67 feet and the widest will be 58 feet that he will own to the road.

Lance Strange asked who are you purchasing the property from?

Joshua Thomas replied that they are purchasing the property from Ceres Farms.

Kent Korniak asked if such a variance like this been approved in the past before.

Mary Scheurich replied that in the past the Plan Commission would allow a 30 foot access drive for a one lot subdivision. That is no longer part of our code book.

Scott Walstra asked if anyone present had an opposition to the application? There were none.

Mr. Thomas then read the proposed facts of findings that he has provided to the board members.

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

RESPONSE: Health – no use other than approved septic field by county. Safety – will not create additional excessive traffic for residence use only. Moral/General – no other use (use only as single family residence.)

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

RESPONSE: Property will be used for construction or (1) single family home to be built as in attached exhibit “A”, impacting a small area of the subject property and not impacting any neighboring properties with all drainage swales to be approved at the time of issuance of construction permit with approved septic field.

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

RESPONSE: If the variance is not allowed, it would interfere with owners intended use of the property in construction a single family residence.

Kent Korniak asked if the ditch is a private or public ditch?

Scott Walstra stated that on the survey that has been provided it shows the ditch is a private ditch.

The board agreed to adopt the findings of fact as present by the applicant.

Kent Korniak made the motion to grant approval for the lot width requirement of 400ft. be reduced to 52.67ft., consistent with the plat of survey supplied by the applicant, and the property purchase be completed before they begin construction. Motion was seconded by Lance Strange.

Scott Walstra stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Variance 9.19 (7)(b)(i) through (ii).

Scott Walstra then read these to the Board:

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

The board unanimously voted that the applicant met the requirements of (i).

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

The board unanimously voted that the applicant met the requirements of (iii).

Motion carried unanimously.

Variance

Cause#BZA-2-17

Applicant: Matthew Misch & Charles Misch

Location : Sec.14-32-6 – Wheatfield Twp. – 200W. S. of 1450N. E-side

Use: Asking for a 20ft. variance – Requirement is 250ft.

Public hearing held pursuant to notice published March 4, 2017 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Matthew and Charles Misch were present and stated that back in September they purchased some property next to their fathers property. They purchased the property so they could both build their homes on the property. The way the property sits is they only have 460ft. of road frontage which meets the A2 zoning code requirements. But where they propose to construct their homes on the lots they do not meet the building set-back lot width requirement of

250ft. They are proposing a 2-lot Subdivision if the variance is approved. Charles Misch will own Tract A, tract B will be owned by Matthew Misch and they will own Tract C together. They are proposing a 30ft easement to get back to the proposed Tract C.

Kent Korniak asked if the applicants lots will be 200ft. wide since they are 230ft. now and you are proposing a 60ft. easement.

Matt Misch replied that it was his understanding that the easement does not come out of the proposed 230ft.

Mary Scheurich replied that this is an easement and simply allows access to the back property (Tract C).

Scott Walstra asked what the building set-back requirement is.

Mary Scheurich replied that the building set-back requirement for the primary structure (home) is 30ft from the property line.

Scott Walstra replied that they could build within the 30ft easement then. He stated that they could never build on Tract C since they do not have road frontage correct?

Mary Scheurich replied affirmatively. Since they do not have road frontage that lot will never be built on.

Scott Walstra asked if anyone present had any opposition to the application. There were none.

Matthew Misch then read the proposed facts of findings that he has provided to the board members.

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

RESPONSE: The approval of the variance will not adversely affect the public health, safety morals and general welfare of the community.

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

RESPONSE: The approval of the variance will not adversely affect the adjacent property.

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

RESPONSE: Under the Jasper County Indiana Comprehensive Plan, Chapter 3 – Future Land Use, the tract is depicted as “Rural Residential.” The intent of the

property is to create two homesteads, keeping many of the existing features. The existing soil condition of the property is mainly sand, which is not favorable for typical agricultural use. If the property cannot be used to create two homesteads per the proposed split, then the property would not be useful for residential or agriculture.

The board agreed to adopt the findings of fact as present by the applicant.

Scott Walstra asked if they sell the proposed Tract C (back lot) will the easement run with that property or will half of it go to Lot A & the other half go to Lot B?

Attorney Sammons replied that the easement runs with the land.

Kent Korniak made the motion to grant approval for the variance of the frontage requirement from 250ft. to 230ft. Motion was seconded by Lance Strange and carried unanimously.

Scott Walstra stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Variance 9.19 (7)(b)(i) through (ii).

Scott Walstra then read these to the Board:

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

The board unanimously voted that the applicant met the requirements of (i).

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

The board unanimously voted that the applicant met the requirements of (iii).

Motion carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Scott Walstra, Vice President